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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/635,921

08/07/2003

Samuel Henderson

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EXAMINER

NGUYEN, DUC MINH

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/635,921	HENDERSON, SAMUEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-5, 7-9, 15-19, 21-22, 24-26, 32-34 and 36 are rejected under 35

U.S.C. 102(e) as being anticipated by Emerson, III (US 2003/0043974).

Consider claims 1, 4, 18, 21, 36. Emerson teaches a method of obtaining and resolving caller ID in a communication system, comprising selecting, by a first user, a caller ID associated with an identity of the first user (page(s). 5, § 0039 through 0040); transmitting, upon selection, the caller ID to at least one contact from a list of contacts selected from the first user's contact database (page(s). 5, § 0039 through 0040); and associating the first user's selected caller ID in a second user's communication database with the first user (page(s). 6, § 0043-0044).

Consider claims 2, 19. Page(s) 7, § 0050, page(s) 8, § 0065 reads on the limitation browsing a plurality of predefined identifiers stored in the first user's database.

Consider claims 4, 21. Page(s) 5, § 0039 reads on the limitation creating the first user's own identifier.

Consider claims 5, 22. Page(s) 6, § 0043-0044 read on the limitation storing the selected caller ID in a storage relating to the first user.

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Consider claims 7-9, 24-26. Page(s) 6, § 0043 reads on the limitations detecting an event (i.e., receiving caller ID from a user), detecting the type of the identifier (i.e., electronic business card) and storing the EBC.

Consider claims 15-17, and 32-34. Page(s) 5, § 0039 reads on the first user's ID may be an image, a video or an animation.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Awada et al (6,873,861)

Consider claims 3, 20. Emerson does not teach browsing and downloading identifiers from a remote storage facility or network.

Awada teaches browsing and downloading identifiers from a remote storage facility or network (column(s) 4, line(s) 48 through column(s) 5, line(s) 7) for the purpose of storing and providing electronic business cards to another cellular telephone user (column(s) 1, line(s) 5-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Awada into the teachings of Emerson for the purpose mentioned above.

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5. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Morkel (US 2002/0052921).

Consider claims 6, 23. Emerson does not teach transmitting the caller ID to the list of contacts.

Morkel teaches transmitting the caller ID to the list of contacts (page(s) 1, ¶ 0007; page(s) 2, ¶ 0011; page(s) 3, ¶ 0035) for the purpose of securely acquiring, handling and maintaining contact information (page(s) 1, ¶ 0002, 0006).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Morkel into the teachings of Emerson for the purpose mentioned above.

6. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Beaton et al (6,442,263).

Consider claims 10, 27. Emerson does not teach overriding, upon the second user selecting an option, the first user's self-chosen ID information for the second user's choice of ID information for the first user.

Beaton teaches overriding, upon the second user selecting an option, the first user's self-chosen ID information for the second user's choice of ID information for the first user (i.e., the user can EDIT the bizcard with new information; column(s) 7, line(s) 52-65) for the purpose of manipulating the CLID information to provide enhanced user interface (column(s) 3, line(s) 4-5).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Beaton into the teachings of Emerson for the purpose mentioned above.

7. Claims 11-14 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Toyryla et al (US 2003/0083086).

Consider claims 11-14, and 28-31. Emerson does not teach that the ID is music, speech or ring tone.

Toyryla teaches distributing electronic business cards, ringing tones and logos (page(s) 3, ¶ 0042) for the purpose of managing group creation and membership definition between users using standard user-to-user communication facilities (page(s) 3, ¶ 0042).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Toyryla into the teachings of Emerson for the purpose mentioned above.

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emerson, III (US 2003/0043974) in view of Rosecrans et al (5,889,852).

Consider claim 35. Emerson teaches a method of obtaining and resolving caller ID in a communication system, comprising selecting, by a first user, a caller ID associated with an identity of the first user (page(s). 5, § 0039 through 0040); transmitting, upon selection, the caller ID to at least one contact from a list of contacts selected from the first user's contact database

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(page(s). 5, § 0039 through 0040); and associating the first user's selected caller ID in a second user's communication database with the first user (page(s). 6, § 0043-0044).

Rosecrans teaches the use of wireless phone and/or wireless communication network to exchange electronic business cards between subscribers or users (column(s) 4, line(s) 22-38) for the purpose of providing a phone with graphic user interface for use with an electronic phone book (column(s) 1, line(s) 53 through column(s) 2, line(s) 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Rosecrans into the teachings of Emerson for the purpose mentioned above.

***Response to Arguments***

9. Applicant's arguments filed 12/8/05 have been fully considered but they are not persuasive.

Regarding the Emerson reference, applicant states that Emerson fails to teach transmitting, upon selection, the caller identification to at least one contact from a list of contacts selected from the first user's contact database.	In contrast to applicant's assertions, Emerson clearly teaches transmitting, upon selection, the caller identification to at least one contact from a list of contacts selected from the first user's contact database (page(s) 5, ¶ 0040). The phrase "upon selection" does not limit whether to transmit the caller ID immediately or at a later time. Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention,
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	it is noted that the features upon which applicant relies (i.e., excluding of call setup progress, engaged in the phone call, or a phone number that may be called, etc) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See <i>In re Van Geuns</i> , 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
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### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 571-272-7503. The examiner can normally be reached on 7:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Duc Nguyen  
Primary Examiner  
Art Unit 2643

02/14/2006